

REMARKS

Claims 1-32 are currently pending in this application.

In an August 24, 2004 Office Action, the Examiner rejected claims 1-32. In particular, the Examiner rejected claims 1-27 and 29-32 under 35 U.S.C. § 102(e) as being anticipated by United States Published Patent Application Serial Number 10/171,755 ("Weinstein") (publication number US 2003/0231138 A1). The Examiner rejected claim 28 under 35 U.S.C. § 103(a) as being unpatentable and obvious over Weinstein in view of United States Patent 6,421,013 ("Chung"). The applicants respectfully traverse the rejections as outlined below.

Claim 1 has been amended to correct the obvious typographical error. In particular, claim 1 has been amended such that claim 1, line 14, "omni directional." was changed to -- omni directional antenna --. The amendment to claim 1 is to correct an obvious typographical omission and is not a narrowing amendment made for conditions of patentability, but clearly a correction to a typographical mistake.

Rejection of claims 1-27 and 29-32 under 35 U.S.C. § 102(e)

The Examiner rejected claims 1-27 and 29-32 under 35 U.S.C. § 102(e) as being anticipated by Weinstein. The applicants respectfully traverse this rejection. In particular, claim 1 recites: "An omni directional antenna, comprising . . . a radiation pattern of the omni directional antenna," which is not disclosed or suggested by Weinstein. Rather, Weinstein discloses a multi-band antenna where "the antenna system radiates in a **directional pattern** at the upper frequency and in an **omnidirectional pattern** at the lower frequency." (Weinstein at paragraph [0030], lines 7-10 (emphasis added)). Weinstein is not an omni directional antenna at both operating frequencies, but rather an omni directional/directional hybrid antenna. Because Weinstein is not an omni directional antenna as recited by claim 1, it cannot anticipate claim 1. The other references of record do not cure the defect of Weinstein. Thus, claim 1 is patentably distinct from Weinstein either alone or in any reasonable

combination with the references of record. The applicants respectfully request the withdrawal of the pending rejection and allowance of claim 1.

Claims 15 and 27 contain limitations similar to claim 1 and, at least by virtue of the similarity, are patentably distinct from Weinstein. Thus, the applicants respectfully request the withdrawal of the rejections and allowance of the pending claims.

Claims 2-14, 16-26, and 29-32 depend directly or indirectly from claims 1, 15, and 27 and, at least by virtue of the dependency, are patentably distinct from Weinstein. Thus, the applicants respectfully request the withdrawal of the rejections and allowance of the pending claims.

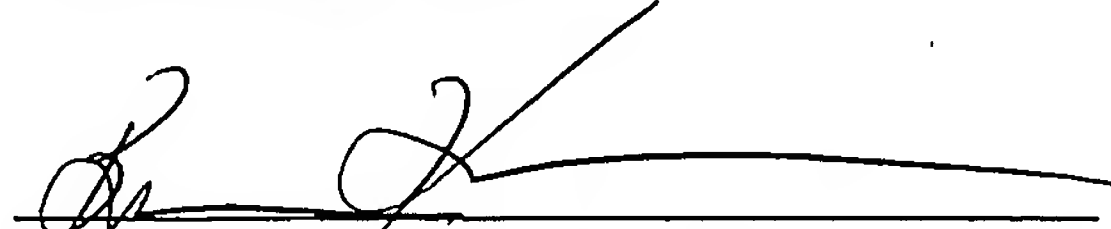
Rejection of claim 28 under 35 U.S.C. § 103(a)

The Examiner rejected claim 28 under 35 U.S.C. § 103(a) as being unpatentable and obvious over Weinstein in view of Chung. In particular, the Examiner indicated Weinstein disclosed all the limitations of claim 28 except for the flexible substrate. The Examiner relied on Chung for the disclosure of the flexible substrate. But Chung does not cure the defect of Weinstein noted above. As claim 28 depends from claim 27, claim 28 is allowable over the combination of Weinstein and Chung for the reasons identified above. The applicants respectfully request the withdrawal of the pending rejection and allowance of the claim 28.

For all the forgoing reasons, the applicants respectfully submit that claims 1-32 are presently in condition for allowance, which allowance is respectfully requested.

No fee is believed due for entry of this paper. If an extension of time under 35 C.F.R. § 1.136 is required to obtain entry of this Amendment, such an extension is requested. If there are fees due under 37 U.S.C. §§ 1.16 or 1.17 which are not otherwise accounted for, please charge our Deposit Account No. 08-2623.

Respectfully submitted this 10 day of November 2004.

A handwritten signature in black ink, appearing to read 'Brian Kinnear', is written over a horizontal line.

Brian Kinnear, Reg. No. 43,717
Attorney for Applicant
HOLLAND & HART LLP
555-17th Street, Suite 3200
P.O. Box 8749
Denver, Colorado 80201
(303) 295-8170